

AMENDED IN SENATE APRIL 15, 2009

SENATE BILL

No. 122

Introduced by Senator Pavley

February 3, 2009

~~An act to amend Sections 44977, 44983, and 45196 of the Education Code, relating to public school employees. An act to add Part 2.11 (commencing with Section 10920) to Division 6 of, and to repeal and add Section 12924 of, the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 122, as amended, Pavley. ~~School employees: collective bargaining; sick leave. Groundwater.~~

(1) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill would establish a groundwater monitoring program pursuant to which specified entities, in accordance with prescribed procedures, may propose to be designated by the Department of Water Resources as groundwater monitoring entities, as defined, for the purposes of monitoring and reporting with regard to groundwater elevations in all or part of a basin or subbasin, as defined. The bill would require the department to work cooperatively with each monitoring entity to determine the manner in which groundwater elevation information should be reported to the department. The bill would authorize the

department to make recommendations for improving an existing monitoring program, require additional monitoring wells under certain circumstances, and require the department, under prescribed circumstances, to perform groundwater monitoring functions for those portions of a basin or a subbasin for which no monitoring entity has agreed to perform those functions under this program.

(2) Existing law requires the department to conduct an investigation of the state's groundwater basins and to report its findings to the Governor and the Legislature not later than January 1, 1980.

This bill would repeal that provision. The department would be required to conduct an investigation of the state's groundwater basins and to report its findings to the Governor and the Legislature not later than January 1, 2012, and every 5 years thereafter.

~~Existing law gives public school employees the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations and requires public school employers to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Existing law provides that the law governing meeting and negotiating in public educational employment does not supersede other provisions of the Education Code and the rules and regulations of public school employers that provide for other methods of administering employer-employee relations, so long as the rules and regulations or other methods of the public school employer do not conflict with lawful collective bargaining agreements.~~

~~The Education Code contains provisions governing sick leave for employees serving in positions requiring certification qualifications who have exhausted all available sick leave and continue to be absent on account of illness or accident for an additional 5 school months and for employees in the classified service who are absent on account of illness or accident for 5 months or less.~~

~~This bill, notwithstanding any other provisions of law, would authorize a school district to meet and negotiate with the exclusive representative of its certificated employees regarding the sick leave compensation for the employees in the situation described above and would authorize a school district to reach an agreement on an alternative benefit program in place of the program described in code.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Part 2.11 (commencing with Section 10920) is*
2 *added to Division 6 of the Water Code, to read:*

3
4 *PART 2.11. GROUNDWATER MONITORING*

5
6 *CHAPTER 1. GENERAL PROVISIONS*

7
8 10920. (a) *It is the intent of the Legislature that on or before*
9 *January 1, 2012, groundwater elevations in all groundwater basins*
10 *and subbasins be regularly and systematically monitored locally*
11 *and that the resulting groundwater information be made readily*
12 *and widely available.*

13 (b) *It is the intent of the Legislature that, if local groundwater*
14 *interests are unable or unwilling to perform the monitoring*
15 *functions described in this part, the department shall assume those*
16 *monitoring functions and the department shall recover its costs*
17 *for conducting the necessary monitoring from the local*
18 *groundwater users.*

19 (c) *It is further the intent of the Legislature that the department*
20 *continue to maintain its current network of monitoring wells,*
21 *including groundwater elevation and groundwater quality*
22 *monitoring wells, and that the department continue to coordinate*
23 *monitoring with local entities.*

24 10921. *This part does not require the monitoring of*
25 *groundwater elevations in an area that is not within a basin or*
26 *subbasin.*

27 10922. *This part does not expand or otherwise affect the powers*
28 *or duties of the department relating to groundwater beyond those*
29 *expressly granted by this part.*

30
31 *CHAPTER 2. DEFINITIONS*

32
33 10925. *Unless the context otherwise requires, the definitions*
34 *set forth in this section govern the construction of this part.*

35 (a) *“Basin” or “subbasin” means a groundwater basin or*
36 *subbasin identified and defined in the department’s Bulletin No.*
37 *118.*

1 (b) “Bulletin No. 118” means the department’s report entitled
2 “California’s Groundwater: Bulletin 118” updated in 2003, or as
3 it may be subsequently updated or revised in accordance with
4 Section 12924.

5 (c) “Monitoring entity” means a party conducting or
6 coordinating the monitoring of groundwater elevations pursuant
7 to this part.

8 (d) “Monitoring functions” and “groundwater monitoring
9 functions” means the monitoring of groundwater elevations, the
10 reporting of those elevations to the department, and other related
11 actions required by this part.

12 (e) “Monitoring groundwater elevations” means monitoring
13 groundwater elevations, coordinating the monitoring of
14 groundwater elevations, or both.

15 (f) “Voluntary cooperative groundwater monitoring
16 association” means an association formed for the purposes of
17 monitoring groundwater elevations pursuant to Section 10935.

18
19 *CHAPTER 3. GROUNDWATER MONITORING PROGRAM*
20

21 10927. Any of the following entities may assume responsibility
22 for monitoring and reporting groundwater elevations in all or a
23 part of a basin or subbasin in accordance with this part:

24 (a) A watermaster or water management engineer appointed
25 by a court or pursuant to statute to administer a final judgment
26 determining rights to groundwater.

27 (b) (1) A groundwater management agency with statutory
28 authority to manage groundwater pursuant to its principle act that
29 is monitoring groundwater elevations in all or a part of a
30 groundwater basin or subbasin on or before January 1, 2010.

31 (2) A water replenishment district established pursuant to
32 Division 18 (commencing with Section 60000). This part does not
33 expand or otherwise affect the authority of a water replenishment
34 district relating to monitoring groundwater elevations.

35 (c) A local agency that is managing all or part of a groundwater
36 basin or subbasin pursuant to Part 2.75 (commencing with Section
37 10750) and that was monitoring groundwater elevations in all or
38 a part of a groundwater basin or subbasin on or before January
39 1, 2010, or a local agency or county that is managing all or part
40 of a groundwater basin or subbasin pursuant to any other legally

1 enforceable groundwater management plan with provisions that
2 are substantively similar to those described in that part and that
3 was monitoring groundwater elevations in all or a part of a
4 groundwater basin or subbasin on or before January 1, 2010.

5 (d) A local agency that is managing all or part of a groundwater
6 basin or subbasin pursuant to an integrated regional water
7 management plan prepared pursuant to Part 2.2 (commencing
8 with Section 10530) that includes a groundwater management
9 component that complies with the requirements of Section 10753.7.

10 (e) A county that is not managing all or a part of a groundwater
11 basin or subbasin pursuant to a legally enforceable groundwater
12 management plan with provisions that are substantively similar
13 to those described in Part 2.75 (commencing with Section 10750).

14 (f) A voluntary cooperative groundwater monitoring association
15 formed pursuant to Section 10935.

16 (g) The department pursuant to Section 10934.

17 10928. (a) Any entity described in subdivision (a) or (b) of
18 Section 10927 that seeks to assume groundwater monitoring
19 functions in accordance with this part shall notify the department,
20 in writing, on or before January 1, 2011. The notification shall
21 include all of the following information:

22 (1) The entity's name, address, telephone number, and any other
23 relevant contact information.

24 (2) The specific authority described in Section 10927 pursuant
25 to which the entity qualifies to assume the groundwater monitoring
26 functions.

27 (3) A map showing the area for which the entity is requesting
28 to perform the groundwater monitoring functions.

29 (4) A statement that the entity will comply with all of the
30 requirements of this part.

31 (b) Any entity described in subdivision (c), (d), (e), or (f) of
32 Section 10927 that seeks to assume groundwater monitoring
33 functions in accordance with this part shall notify the department,
34 in writing, by January 1, 2011. The information provided in the
35 notification shall include all of the following:

36 (1) The entity's name, address, telephone number, and any other
37 relevant contact information.

38 (2) The specific authority described in Section 10927 pursuant
39 to which the entity qualifies to assume the groundwater monitoring
40 functions.

1 (3) For entities that seek to qualify pursuant to subdivision (c)
2 or (d) of Section 10927, the notification shall also include a copy
3 of the current groundwater management plan or the groundwater
4 component of the integrated regional water management plan, as
5 appropriate.

6 (4) For entities that seek to qualify pursuant to subdivision (f)
7 of Section 10927, the notification shall include a statement of
8 intention to meet the requirements of Section 10935.

9 (5) A map showing the area for which the entity is proposing
10 to perform the groundwater monitoring functions.

11 (6) A statement that the entity will comply with all of the
12 requirements of this part.

13 (7) A statement describing the ability and qualifications of the
14 entity to conduct the groundwater monitoring functions required
15 by this part.

16 (c) The department may request additional information that it
17 deems necessary for the purposes of determining the area that is
18 proposed to be monitored or the qualifications of the entity to
19 perform the groundwater monitoring functions.

20 10929. (a) (1) The department shall review all notifications
21 received pursuant to Section 10928.

22 (2) Upon the receipt of a notification pursuant to subdivision
23 (a) of Section 10928, the department shall verify that the notifying
24 entity has the appropriate authority under subdivision (a) or (b)
25 of Section 10927.

26 (3) Upon the receipt of a notification pursuant to subdivision
27 (b) of Section 10928, the department shall do both of the following:

28 (A) Verify that each notification is complete.

29 (B) Assess the qualifications of the notifying party.

30 (b) If the department has questions about the completeness or
31 accuracy of a notification, or the qualifications of a party, the
32 department shall contact the party to resolve any deficiencies. If
33 the department is unable to resolve the deficiencies, the department
34 shall notify the party in writing that the notification will not be
35 considered further until the deficiencies are corrected.

36 (c) If the department determines that more than one party seeks
37 to become the monitoring entity for the same portion of a basin or
38 subbasin, the department shall consult with the interested parties
39 to determine which party will perform the monitoring functions.
40 In determining which party will perform the monitoring functions

1 under this part, the department shall follow the order in which
2 entities are identified in Section 10927.

3 (d) The department shall advise each party on the status of its
4 notification within three months of receiving the notification.

5 10930. Upon completion of each review pursuant to Section
6 10929, the department shall do both of the following if it determines
7 that a party will perform monitoring functions under this part:

8 (a) Notify the party in writing that it is a monitoring entity and
9 the specific portion of the basin or subbasin for which it shall
10 assume groundwater monitoring functions.

11 (b) Post on the department's Internet Web site information that
12 identifies the monitoring entity and the portion of the basin or
13 subbasin for which the monitoring entity will be responsible.

14 10931. (a) The department shall work cooperatively with each
15 monitoring entity to determine the manner in which groundwater
16 elevation information should be reported to the department
17 pursuant to this part. In determining what information should be
18 reported to the department, the department shall defer to existing
19 monitoring programs if those programs result in information that
20 demonstrates seasonal and long-term trends in groundwater
21 elevations. The department shall collaborate with the State
22 Department of Public Health to ensure that the information
23 reported to the department will not result in the inappropriate
24 disclosure of the physical address or geographical location of
25 drinking water sources, storage facilities, pumping operational
26 data, or treatment facilities.

27 (b) (1) For the purposes of this part, the department may
28 recommend improvements to an existing monitoring program,
29 including recommendations for additional monitoring wells.

30 (2) The department may not require additional monitoring wells
31 unless funds are provided for that purpose.

32 10932. Monitoring entities shall commence monitoring and
33 reporting groundwater elevations pursuant to this part on or before
34 January 1, 2012.

35 10933. (a) On or before January 1, 2012, the department shall
36 commence to identify the extent of monitoring of groundwater
37 elevations that is being undertaken within each basin and subbasin.

38 (b) The department shall prioritize groundwater basins and
39 subbasins for the purpose of implementing this section. In

1 *prioritizing the basins and subbasins, the department shall, to the*
2 *extent data are available, consider all of the following:*
3 *(1) The population overlying the basin or subbasin.*
4 *(2) The rate of current and projected growth of the population*
5 *overlying the basin or subbasin.*
6 *(3) The number of public supply wells that draw from the basin*
7 *or subbasin.*
8 *(4) The total number of wells that draw from the basin or*
9 *subbasin.*
10 *(5) The irrigated acreage overlying the basin or subbasin.*
11 *(6) The degree to which persons overlying the basin or subbasin*
12 *rely on groundwater as their primary source of water.*
13 *(7) Any documented impacts on the groundwater within the*
14 *basin or subbasin, including overdraft, subsidence, saline intrusion,*
15 *and other water quality degradation.*
16 *(8) Any other information determined to be relevant by the*
17 *department.*
18 *(c) If the department determines that all or part of a basin or*
19 *subbasin is not being monitored pursuant to this part, the*
20 *department shall do all of the following:*
21 *(1) Attempt to contact all well owners within the area not being*
22 *monitored.*
23 *(2) Determine if there is an interest in establishing any of the*
24 *following:*
25 *(A) A groundwater management plan pursuant to Part 2.75*
26 *(commencing with Section 10750).*
27 *(B) An integrated regional water management plan pursuant*
28 *to Part 2.2 (commencing with Section 10530) that includes a*
29 *groundwater management component that complies with the*
30 *requirements of Section 10753.7.*
31 *(C) A voluntary groundwater monitoring association pursuant*
32 *to Section 10935.*
33 *(d) If the department determines that there is sufficient interest*
34 *in establishing a plan or association described in paragraph (2)*
35 *of subdivision (c), or if the county agrees to perform the*
36 *groundwater monitoring functions in accordance with this part,*
37 *the department shall work cooperatively with the interested parties*
38 *to comply with the requirements of this part within two years.*
39 *(e) If the department determines, with regard to a basin or*
40 *subbasin, that there is insufficient interest in establishing a plan*

1 *or association described in paragraph (2) of subdivision (c), and*
2 *if the county decides not to perform the groundwater monitoring*
3 *and reporting functions of this part, the department shall do all*
4 *of the following:*

5 *(1) Identify any existing monitoring wells that overlie the basin*
6 *or subbasin that are owned or operated by the department or any*
7 *other state or federal agency.*

8 *(2) Determine whether the monitoring wells identified pursuant*
9 *to paragraph (1) provide sufficient information to demonstrate*
10 *seasonal and long-term trends in groundwater elevations.*

11 *(3) If the department determines that the monitoring wells*
12 *identified pursuant to paragraph (1) provide sufficient information*
13 *to demonstrate seasonal and long-term trends in groundwater*
14 *elevations, the department shall not perform groundwater*
15 *monitoring functions pursuant to Section 10934.*

16 *(4) If the department determines that the monitoring wells*
17 *identified pursuant to paragraph (1) provide insufficient*
18 *information to demonstrate seasonal and long-term trends in*
19 *groundwater elevations, and the State Mining and Geology Board*
20 *concurs with that determination, the department shall perform*
21 *groundwater monitoring functions pursuant to Section 10934.*

22 *10934. (a) Consistent with Section 10933, the department*
23 *shall perform the groundwater monitoring functions for those*
24 *portions of a basin or subbasin for which no monitoring entity has*
25 *agreed to perform the groundwater monitoring functions.*

26 *(b) Upon determining that it is required to perform groundwater*
27 *monitoring functions, the department shall notify both of the*
28 *following entities that it is forming the groundwater monitoring*
29 *district:*

30 *(1) Each well owner within the affected area.*

31 *(2) Each county that contains all or a part of the affected area.*

32 *(c) The department shall impose a charge on each well owner*
33 *for its share of the costs of the department to perform the*
34 *groundwater monitoring required under this part.*

35 *(d) The department shall not assess a fee or charge to recover*
36 *the costs for carrying out its power and duties under this part*
37 *except as provided in subdivision (c).*

38 *(e) The department may establish regulations to implement this*
39 *section.*

1 10935. (a) A voluntary cooperative groundwater monitoring
2 association may be formed for the purposes of monitoring
3 groundwater elevations in accordance with this part. The
4 association may be established by contract, a joint powers
5 agreement, a memorandum of agreement, or other form of
6 agreement deemed acceptable by the department.

7 (b) Upon notification to the department by one or more entities
8 that seek to form a voluntary cooperative groundwater monitoring
9 association, the department shall work cooperatively with the
10 interested parties to facilitate the formation of the association.

11 (c) The contract or agreement shall include all of the following:

12 (1) The names of the participants.

13 (2) The boundaries of the area covered by the agreement.

14 (3) The name or names of the parties responsible for meeting
15 the requirements of this part.

16 (4) The method of recovering the costs associated with meeting
17 the requirements of this part.

18 (5) Other provisions that may be required by the department.

19 SEC. 2. Section 12924 of the Water Code is repealed.

20 ~~12924. (a) The department shall, in conjunction with other~~
21 ~~public agencies, conduct an investigation of the state's groundwater~~
22 ~~basins. The department shall identify the state's groundwater basins~~
23 ~~on the basis of geological and hydrological conditions and~~
24 ~~consideration of political boundary lines whenever practical. The~~
25 ~~department shall also investigate existing general patterns of~~
26 ~~groundwater pumping and groundwater recharge within such basins~~
27 ~~to the extent necessary to identify basins which are subject to~~
28 ~~critical conditions of overdraft.~~

29 ~~(b) The department shall report its findings to the Governor and~~
30 ~~the Legislature not later than January 1, 1980.~~

31 SEC. 3. Section 12924 is added to the Water Code, to read:

32 12924. (a) The department, in conjunction with other public
33 agencies, shall conduct an investigation of the state's groundwater
34 basins. The department shall identify the state's groundwater
35 basins on the basis of geological and hydrological conditions and
36 consideration of political boundary lines whenever practical. The
37 department shall also investigate existing general patterns of
38 groundwater pumping and groundwater recharge within such
39 basins to the extent necessary to identify basins that are subject
40 to critical conditions of overdraft.

1 ***(b) The department shall report its findings to the Governor***
2 ***and the Legislature not later than January 1, 2012, and thereafter***
3 ***in years ending in 5 and 0.***

4 **SECTION 1.** ~~Section 44977 of the Education Code is amended~~
5 ~~to read:~~

6 ~~44977. (a) During each school year, when a person employed~~
7 ~~in a position requiring certification qualifications has exhausted~~
8 ~~all available sick leave, including all accumulated sick leave, and~~
9 ~~continues to be absent from his or her duties on account of illness~~
10 ~~or accident for an additional period of five school months, whether~~
11 ~~or not the absence arises out of or in the course of the employment~~
12 ~~of the employee, the amount deducted from the salary due him or~~
13 ~~her for any of the additional five months in which the absence~~
14 ~~occurs shall not exceed the sum that is actually paid a substitute~~
15 ~~employee employed to fill his or her position during his or her~~
16 ~~absence or, if no substitute employee was employed, the amount~~
17 ~~that would have been paid to the substitute had he or she been~~
18 ~~employed. The school district shall make every reasonable effort~~
19 ~~to secure the services of a substitute employee.~~

20 ~~(b) For purposes of subdivision (a):~~

21 ~~(1) The sick leave, including accumulated sick leave, and the~~
22 ~~five-month period shall run consecutively.~~

23 ~~(2) An employee shall not be provided more than one five-month~~
24 ~~period per illness or accident. However, if a school year terminates~~
25 ~~before the five-month period is exhausted, the employee may take~~
26 ~~the balance of the five-month period in a subsequent school year.~~

27 ~~(c) The governing board of every school district shall adopt a~~
28 ~~salary schedule for substitute employees. The salary schedule shall~~
29 ~~indicate a salary for a substitute for all categories or classes of~~
30 ~~certificated employees of the district.~~

31 ~~(d) Excepting in a school district the governing board of which~~
32 ~~has adopted a salary schedule for substitute employees of the~~
33 ~~district, the amount paid the substitute employee during any month~~
34 ~~shall be less than the salary due the employee absent from his or~~
35 ~~her duties.~~

36 ~~(e) When a person employed in a position requiring certification~~
37 ~~qualifications is absent from his or her duties on account of illness~~
38 ~~for a period of more than five school months, or when a person is~~
39 ~~absent from his or her duties for a cause other than illness, the~~
40 ~~amount deducted from the salary due him or her for the month in~~

1 which the absence occurs shall be determined according to the
2 rules and regulations established by the governing board of the
3 school district. The rules and regulations shall not conflict with
4 rules and regulations of the state board.

5 (f) (1) This section does not deprive a school district, city, or
6 city and county of the right to make any reasonable rule for the
7 regulation of accident or sick leave or cumulative accident or sick
8 leave without loss of salary for persons acquiring certification
9 qualifications.

10 (2) Notwithstanding this section or any other provision of law,
11 a school district may meet and negotiate with the exclusive
12 representative of its certificated employees regarding the matters
13 covered by this section and may reach an agreement on an
14 alternative benefit program in place of the program described in
15 this section.

16 (g) This section shall be applicable whether or not the absence
17 from duty is by reason of a leave of absence granted by the
18 governing board of the employing district.

19 SEC. 2. Section 44983 of the Education Code is amended to
20 read:

21 44983. (a) Section 44977 shall not apply to a school district
22 that adopts and maintains in effect a rule that provides that when
23 a person employed in a position requiring certification
24 qualifications is absent from his duties on account of illness or
25 accident for a period of five school months or less whether or not
26 the absence arises out of or in the course of the employment of the
27 employee, he shall receive 50 percent or more of his regular salary
28 during the period of the absence and Section 44977 shall not be
29 construed as preventing the governing board of a school district
30 from adopting the rule.

31 (b) Notwithstanding the foregoing, when a person employed in
32 a position requiring certification qualifications is absent from his
33 duties on account of illness for a period of more than five school
34 months, or when a person is absent from his duties for a cause
35 other than illness, the amount deducted from the salary due him
36 for the month in which the absence occurs shall be determined
37 according to the rules and regulations established by the governing
38 board of the district. The rules and regulations shall not conflict
39 with rules and regulations of the state board.

1 ~~(e) (1) This section does not deprive a school district, city, or~~
2 ~~city and county of the right to make any reasonable rule for the~~
3 ~~regulation of accident or sick leave or cumulative accident or sick~~
4 ~~leave without loss of salary for persons requiring certification~~
5 ~~qualifications.~~

6 ~~(2) Notwithstanding this section and any other provision of law,~~
7 ~~a school district may meet and negotiate with the exclusive~~
8 ~~representative of its certificated employees regarding the matters~~
9 ~~covered by this section and may reach an agreement on an~~
10 ~~alternative benefit program in place of the program described in~~
11 ~~this section.~~

12 ~~(3) This section shall be applicable whether or not the absence~~
13 ~~from duty is by reason of a leave of absence granted by the~~
14 ~~governing board of the employing school district.~~

15 ~~SEC. 3. Section 45196 of the Education Code is amended to~~
16 ~~read:~~

17 ~~45196. (a) When a person employed in the classified service~~
18 ~~is absent from his duties on account of illness or accident for a~~
19 ~~period of five months or less, whether or not the absence arises~~
20 ~~out of or in the course of employment of the employee, the amount~~
21 ~~deducted from the salary due him for any month in which the~~
22 ~~absence occurs shall not exceed the sum that is actually paid a~~
23 ~~substitute employee employed to fill his position during his~~
24 ~~absence.~~

25 ~~(b) Except in a school district the governing board of which has~~
26 ~~adopted a salary schedule for substitute employees of the district,~~
27 ~~the amount paid the substitute employee during a month shall be~~
28 ~~less than the salary due the employee absent from his duties.~~

29 ~~(c) Entitlement to sick leave provisions under this section, if~~
30 ~~any, shall be considered "entitlement to other sick leave" for the~~
31 ~~purposes of computing benefits under the provisions of Section~~
32 ~~45192 if the absence is for industrial accident or illness and shall~~
33 ~~be used after entitlement to all regular sick leave, accumulated~~
34 ~~compensating time, vacation, or other available paid leave has~~
35 ~~been exhausted.~~

36 ~~(d) Subdivisions (a), (b), and (c) shall not apply to a school~~
37 ~~district that adopts and maintains in effect a rule that provides that~~
38 ~~a regular classified employee shall once a year be credited with a~~
39 ~~total of not less than 100 working days of paid sick leave, including~~
40 ~~days to which he is entitled under Section 45191. These days of~~

1 paid sick leave in addition to those required by Section 45191 shall
2 be compensated at not less than 50 percent of the employee's
3 regular salary. The paid sick leave authorized under the rule shall
4 be exclusive of any other paid leave, holidays, vacation, or
5 compensating time to which the employee may be entitled. This
6 section does not preclude the governing board from adopting that
7 rule.

8 (e) Notwithstanding this section and any other provision of law,
9 a school district may meet and negotiate with the exclusive
10 representative of its certificated employees regarding the matters
11 covered by this section and may reach an agreement on an
12 alternative benefit program in place of the program described in
13 this section or a rule adopted by the governing board of the school
14 district.